

REMARKS

This Supplemental Amendment rewrites claim 8 to more clearly point out that a biologically active agent is present in the claimed composition. Claims 8-16 are pending.

The 35 U.S.C. § 103(a) rejection of claims 8-16 over U.S. Patent No. 5,858,280 to Zhang et al. in view of U.S. Patent No. 5,804,318 to Pinchuck et al. is traversed for the reasons set forth in the May 4, 2004 Amendment After Final Rejection. Those arguments included pointing out that Zhang et al. fails to disclose or suggest a biodegradable silica xerogel composition which can be used for the controlled release of a biologically active agent. The Advisory Action argues that Zhang et al. is silent with respect to biodegradability of its gel. However, Col. 4, line 59 et seq. teach that Zhang et al.'s methyl-modified silica gel has superior properties including water resistance, impact strength and electrical insulation properties in comparison to unmodified silica gel, and further suggests its use as an insulating and protective coating for alkali-containing glass substrates. One of ordinary skill in the art would not have any reason to believe the Zhang et al. silica gel was biodegradable in view of these teachings.

It is believed the application is in condition for allowance for the reasons set forth in the Amendment After Final Rejection as supplemented by the above remarks. Reconsideration and withdrawal

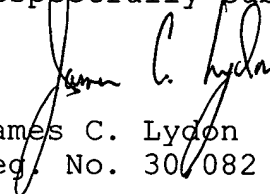
U.S. Patent Appln. S.N. 10/069,145
SUPPLEMENTAL AMENDMENT

PATENT

of all rejections of claims 8-16, and issuance of a Notice of Allowance directed to those claims, are earnestly requested. The Examiner is urged to telephone the undersigned should he believe any further action is required for allowance.

A Petition and fee for a one-month Extension of Time and a Request for Continued Examination are attached. It is not believed any additional fee is required for entry and consideration of this Supplemental Amendment. Nevertheless, the Commissioner is authorized to charge our Deposit Account No. 50-1258 in the amount of any such required fee.

Respectfully submitted,



James C. Lydon
Reg. No. 30,082

Atty. Case No.: **TUR-125**
100 Daingerfield Road, Suite 100
Alexandria, Virginia 22314
Telephone: (703) 838-0445
Facsimile: (703) 838-0447

Enclosures:

Request for Continued Examination
Petition for Extension of Time